IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 12TH NOVEMBER 2007 / 21ST KARTHIKA 1929

WP(C).No. 31083 of 2007(A)

PETITIONER:

AZHIYATH KHADER,
S/O. PERUMPARAMPATH HASSAN, AZHIYATH VEEDU,
CHEMMANNUR, THRISSUR.

BY ADV. SRI.V.V.NANDAGOPAL NAMBIAR
SMT.PREEJA. P.VIJAYAN

RESPONDENTS:

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1. THE SECRETARY,
KUNNAMKULAM MUNICIPALITY, KUNNAMKULAM,
THRISSUR DISTRICT.

2. THE DISTRICT TOWN PLANNER,
DISTRICT URBANB & RURAL DEVELOPMENT OFFICE,
DISTRICT PLANNING UNIT, THRISSUR.

BY G.P. SRI.MUHAMMED ANZAR
S.C. SRI.GRASHIOUS KURIAKOSE (R1)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) NO. 31083 of 2007

Dated this the 12th day of November , 2007

JUDGMENT

Sri.Grashious Kuriakose, the learned Standing Counsel for the Municipality submits that Municipality is not interested in taking possession of the land which is offered to be surrendered by the petitioner.

2. I record the above submission of the Municipality and dispose of the writ petition directing the petitioner to submit a revised plan. If a revised plan is submitted by the petitioner along with the requisite application within two weeks of the petitioner receiving a copy of this judgment, the Municipality will consider that plan and dispose of the application for permit in accordance with law. If there is any impediment for allowing the application, then the petitioner will be heard before orders are passed. While passing orders on the permit application to be submitted by the petitioner, the Municipality will have due regard to the judgment of the Division Bench in **Padmini .v. State of Kerala (1999 (3) KLT 465), Francis v. Chalakudy Municipality (1999 (3) KLT 560 (FB)** and also the judgment of the

Supreme Court of India in **Raju S.Jethamalani & Others v. State of Maharashtra & Others (2005) 11 Supreme Court 222)**.

PIUS C. KURIAKOSE,
JUDGE.

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